NATIONAL INDIAN GAMING COMMISSION

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IN THE MATTER OF)) Ref. No. NOV-99-03	
SEMINOLE NATION OF OKLAHOMA)	
) June 3, 1999	

Decision of the National Indian Gaming Commission

Appeal to the National Indian Gaming Commission ("Commission" or "NIGC") of a Proposed Civil Fine Assessment ("CFA") issued to the Seminole Nation of Oklahoma ("Nation") on April 1, 1999. The Nation filed its Notice of Appeal on May 4, 1999.

The Chairman of the Commission issued a Notice of Violation to the Nation for failure to conduct background investigations on primary management officials and key employees and to submit employee application, investigative reports and suitability determinations to the Commission in violation of the Indian Gaming Regulatory Act, the Commission's regulations, and the Nation's gaming ordinance. The Chairman then issued a CFA of \$4500 on April 1, 1999, in connection with the Notice of Violation. The Nation appealed within the required time period.¹

As required by the NIGC regulations, the Chairman considered the following five factors outlined in 25 C.F.R. § 575.4 to determine the CFA:

- 1. Economic benefit of noncompliance;
- 2. Seriousness of the violation;
- 3. History of violations;
- 4. Negligence or willfulness; and
- 5. Good faith.

In deciding this appeal, we find that the seriousness of the violation and good faith to be

¹Although the CFA was dated April 1, 1999, there was no evidence in the administrative record of when the Chairman sent the CFA to the Nation. The Nation states that it received the CFA on April 5, 1999. In interpreting the events in the best possible light for the Nation, the Commission has decided that the CFA was sent on April 4, 1999, for the sake of determining when service was complete. Therefore, the Nation had until May 4, 1999, to file its Notice of Appeal.

the most important factors. One of the most important and effective means of protecting Indian gaming from criminal or harmful influence is by implementing thorough background and licensing procedures for potential employees of a gaming operation. If a tribe fails to adhere to these procedures, the threat to the gaming operation can be potentially catastrophic. Failure by the Nation to comply with the background and licensing requirements of its gaming ordinance, the NIGC regulations and the Indian Gaming Regulatory Act is a very serious violation. We find the Chairman's assessment of \$4500 to be wholly warranted.

We also find, however, that the Nation has made a good faith effort to correct these violations. In light of these efforts, we will forgive \$2000 of the fine if the Nation completes the required background investigations, makes the necessary suitability and licensing determinations, and submits all of the required documents to the NIGC within forty-five (45) days of receipt of this decision.

The Nation is ordered to remit \$2500 upon receipt of this decision. The Nation shall remit \$2000 within sixty (60) days of receipt of this decision unless the NIGC's Tribal Background Investigation Section certifies that the Nation has fully complied with this decision.

Montie R. Deer

Chairman 7

Philip N. Hogen

Commissioner